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Mr. James A. Noyes
LA County Department of Public Works
900 S. Fremont Avenue
Alhambra, CA 91803

CONDITIONAL CERTIFICATION FOR PROPOSED STOKES CANYON CREEK AT LAS VIRGENES ROAD/SOKA UNIVERSITY PROJECT (Corps' Project No. 2003-00941-AOA), LOS ANGELES RIVER, CITY OF MONTE NIDO UNINCORPORATED, LOS ANGELES COUNTY (File No. 03-050)

Dear Mr. Anidi:

Regional Board staff has reviewed your request on behalf of LA County Department of Public Works for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 11, 2003.

I hereby certify that any discharge from **Stokes Canyon Creek At Las Virgenes Road/Soka University Project**, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Ms. Parvaneh Khayat, Section 401 Program, at (213) 576-6733.

_____[Original signed by]_____
Dennis A. Dickerson
Executive Officer

_____[8/6/03]_____
Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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ATTACHMENT A

Project Information File No. 03-050

1. Applicant: Mr. James A. Noyes
LA County Department of Public Works
900 S. Fremont Avenue
Alhambra, CA 91803

Phone: (626) 458-5199 Fax: (626) 458-3179
2. Applicant's Agent: Same as above
3. Project Name: **Stokes Canyon Creek At Las Virgenes Road/Soka University Project**
4. Project Location: **Monte Nido unincorporated Area, Los Angeles County**
Longitude: 118° 42' 30"; Latitude: 34° 06' 30"
5. Type of Project: Flood Control
6. Project Description: The purpose of the project is to provide increased flood protection, control erosions, and improve access for maintenance.

The proposed project consist of constructing an access ramp form the north embankment of the creek to the creek invert. The project also includes clearing and grubbing approximately 2,200 square feet of willow trees and other vegetation within the creek bottom. Approximately 70 cubic yards of fill will be place and compacted along the north embankment for approximately 90 feet eastward from the culvert inlet at a slope of 1.5 to 1 and up to 10 feet above the watercourse. The proposed project will also require placing nine 15-foot-wide by 1-foot-thick by 10-foot long gabion wire mattresses and 60 ton crushed (4-8 inch rock) within the gabion mattress on the fill along the embankment.
7. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 3 and 33 (**2003-00941-AOA**)

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| 8. Other Required Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement (Permit No. R5-2003-0143)

California Coastal Commission
Coastal Development Permit |
| 9. California Environmental Quality Act (CEQA) Compliance: | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15300.4 (Existing Facilities). |
| 10. Receiving Water: | Los Angeles River (Hydrologic Unit No. 405.13) |
| 11. Designated Beneficial Uses: | MUN, IND, PROC, AGR, GWR, FRSH, NAV, POW, REC-1, REC-2, COMM, AQUA, WARM, COLD, SAL, EST, MAR, WILD, BIOL, RARE, MIGR, SPWN, SHELL, WET |
| 12. Impacted Waters of the United States: | Non-wetland waters (vegetated streambed): 0.04 permanent acres
Non-wetland waters (vegetated streambed): 0.05 temporary acres |
| 13. Dredge Volume: | 0 cubic yards |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years. |
| 15. Avoidance/Minimization Activities: | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none">• Use of cofferdam or sandbags to redirect flows if necessary. Any excess material will be properly disposed of by the contractor as required by project specifications. No equipment will be stored in the riverbed. |

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16. Proposed
Compensatory
Mitigation:

The Applicant has proposed to create 0.16 acres of non-wetland waters - vegetated streambed (4:1 ratio) onsite for permanent impacts associated with the project. The applicant has also proposed to create 0.05 acres of non-wetland waters - vegetated streambed (1:1 ratio) for temporary impacts associated with the project.

ATTACHMENT B

Conditions of Certification File No. 03-050

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. These documents shall be submitted prior to any discharge to waters of the state.
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.

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Conditions of Certification File No. 03-050

4. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain a five-day (5-day) clear weather forecast before conducting any operations within waters of the state.
5. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a Surface Water Diversion Plan to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a daily basis during the first week of diversion activities, and then on a weekly basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
6. The Applicant shall restore the proposed 0.05 acres of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
7. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent loss of 0.05 acres waters of the United States by creating or restoring riparian habitat at a minimum 1:1 area replacement ratio (0.05 acres). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to 0.04 acres of vegetation within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum 4:1 area replacement ratio (0.16 acres). As an alternative, the Applicant may provide adequate funding to a third party organization for the creation or restoration of a total of 0.21 acres of riparian habitat within waters of the United States/Federal jurisdictional wetlands. The mitigation site shall be located within the Los Angeles River Watershed to the extent feasible unless otherwise approved by this Regional Board. The location of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior

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to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

8. The Applicant shall submit to this Regional Board Annual Monitoring Reports documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs from designated stations shall be included in the reports. The reports shall be submitted by January 1st of each year for a period of five (5) years after planting.
9. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 03-050. Submittals shall be sent to the attention of the Nonpoint Source Unit.
10. The Applicant shall have copies of this certification and all other regulatory approvals on site at all times, and all contractors employed by the Applicant shall be made aware of the conditions of this certification.
11. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
12. The project shall comply with the local regulations associated with the Regional Board's Municipal Stormwater Permit issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment.
13. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
 - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or

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monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

- (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.